

RULES AND REGULATIONS
FOR THE LICENSURE OF BARBERS,
HAIRDRESSERS/COSMETICIANS,
~~HAIRDRESSER INSTRUCTORS,~~
MANICURISTS, ~~OR~~ ESTHETICIANS,
AND INSTRUCTORS
(R5-10-HAIR)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Health

As Amended:

November 1965

June 1970

June 1972

May 1973

December 1987

April 1988

March 1991

December 1992

August 1995

October 2006 (Proposed)

COMPILER'S NOTE:

Proposed Additions: Underlined

Proposed Deletions: ~~Strikeouts~~

INTRODUCTION

These *Rules and Regulations for the Licensure of Barbers, Hairdresser/Cosmeticians, ~~Instructors, Manicurists, or Estheticians, and Instructors~~* (R5-10-HAIR) are promulgated pursuant to the authority set forth in section 5-10-2 of the General Laws of Rhode Island, as amended, and are established for the purpose of establishing ~~minimal requirements~~ prevailing standards for the licensing of barbers, hairdresser/cosmeticians, ~~hairdressers-instructors, manicurists, or estheticians and instructors.~~

Pursuant to the provisions of section 42-35-3(c) of the General Laws of Rhode Island, as amended, the following issues have been given consideration in arriving at the regulations in the best interest of the public health and welfare: (1) alternative approaches to the regulations; and (2) duplication or overlap with other state regulations. ~~; and (3) significant economic impact on small business as defined in Chapter 42-35 of the General Laws.~~ No known overlap, ~~or~~ duplication, ~~or no~~ alternative approach ~~nor any~~ significant economic impact was identified.

These rules and regulations shall supersede all previous *Rules and Regulations for the Licensure of Barbers, Hairdresser/Cosmeticians, Hairdressers Instructors, Manicurists or Estheticians (R5-10-HAIR)* promulgated by the Rhode Island Department of Health and filed with the Secretary of State.

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PART I *Definitions, Licensure Requirement for Applicants, Issuance of Licensees*

Section: 1.0 *Definitions*

The following words and phrases, when used in these rules and regulations, shall be construed as follows:

- ~~1.14~~ 1.1 **"Apprentice barber"** shall mean an employee whose principal occupation is service with a barber or hairdresser who has held a current license as a barber or hairdresser for at least ~~one three (3) years~~ with a view to learning the art of barbering, as defined in section ~~1.13~~ 1.15 herein.
- ~~1.12~~ 1.2 **"Barber"** shall mean any person who shaves or trims the beard, waves, dresses, singes, shampoos or dyes the hair or applies hair tonics, cosmetic preparations, antiseptics, powders, oil clays, or lotions to scalp, face or neck of any person; or cuts the hair of any person, gives facial and scalp massages or treatments with oils, creams, lotions, or other preparations.
- 1.3 **"Board"** shall mean the state Board of Barbering and Hairdressing as provided for in the Act.
- ~~1.1~~ 1.4 **"Department"** shall mean the Rhode Island Department of Health.
- ~~1.2~~ ~~**"Division"** shall mean the Division of Professional Regulation within the Department of Health.~~
- ~~1.9~~ 1.5 **"Esthetician"** shall mean a person who engages in the practice of esthetics, and duly licensed as an esthetician.
- ~~1.18~~ 1.6 **"Esthetician shop "** shall mean a shop licensed under this chapter to do esthetics on any person.
- ~~1.10~~ 1.7 **"Esthetics"** shall mean the practice of cleaning, stimulating, manipulating and beautifying skin, including but not limited to the treatment of such skin problems ~~or as~~ dehydration, temporary capillary dilation, excessive oiliness and clogged pores.
- ~~1.16~~ 1.8 **"Hair design shop"** shall mean a shop licensed under ~~this chapter the Act~~ to do barbering or hairdressing/~~cosmetology cosmetic therapy~~ or both to any person.
- ~~1.5~~ 1.9 **"Hairdresser and cosmetician"** shall mean any person who arranges, dresses, curls, cuts, waves, singes, bleaches or colors the hair or treats the scalp, or manicures the nails of any person either with or without compensation or who, by the use of the hands or appliances, or of cosmetic preparations, antiseptics, tonics, lotions, creams, powders, oils or clays, engages, with or without compensation, in massaging, cleansing, stimulating, manipulating, exercising or beautifying or in doing similar work upon the neck, face or arms or who removes superfluous hair from the body of any person.

- 1.11 1.10 **"Instructor"** shall mean any person duly licensed as an instructor under the provisions of ~~this chapter, the Act.~~
- 1.15 1.11 **"Manager"** shall mean a person licensed as a barber, hairdresser/ ~~and cosmetologist, cosmetician,~~ manicurist or esthetician for at least one year who is registered with the ~~Division Department~~ by the owner of the shop to be responsible for supervising the operation of the shop and its employees at it relates to the Act and these rules and regulations.
- 1.17 1.12 **"Manicuring shop"** shall mean a shop licensed under ~~this chapter the Act~~ to do manicuring only on the nails of any person.
- 1.7 1.13 **"Manicurist,"** shall mean any person who engages in manicuring for compensation, and duly licensed as a manicurist.
- 1.13 1.14 **"The practice of barbering"** shall mean the engaging by any licensed barber in all or any combination of the following practices: shaving or trimming the beard or cutting the hair; giving facial and scalp massages or treatments with oils, creams, lotions, or other preparations either by hand or mechanical appliances; singeing, shampooing, arranging, dressing, curling, waving, chemical waving, hair relaxing, or dyeing the hair or applying hair tonics; applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face or neck.
- 1.6 1.15 **"The practice of hairdressing and cosmetic therapy"** shall mean the engaging by any licensed hairdresser/~~and cosmetician~~ in any one or more of the following practices: the application of the hands or of mechanical or electrical apparatus, with or without cosmetic preparations, tonics, lotions, creams, antiseptics, or clays, to massage, cleanse, stimulate, manipulate, exercise, or otherwise to improve or to beautify the scalp, face, neck, shoulders, arms, bust or upper part of the body or the manicuring of the nails of any person; or the removing of superfluous hair from the body of any person; or the arranging, dressing, curling, waving, weaving, cleansing, cutting, singeing, bleaching, coloring or similarly treating the hair of any person.
- 1.8 1.16 **"The practice of manicuring,"** shall mean the cutting, trimming, polishing, tinting, coloring or cleansing the nails of any person.
- 1.4 1.17 **"School"** shall mean a school approved under Chapter 16-40 of the General Laws of the state of Rhode Island ~~of 1956,~~ as amended, devoted to the instruction in and study of the theory and practice of barbering, hairdressing/ ~~and cosmetic therapy,~~ esthetics and/or manicuring.

Section 2.0 ***License Requirements***

- 2.1 No person shall practice barbering, hairdressing/ ~~and cosmetic therapy,~~ esthetics, or manicuring in this state, unless the person shall have first obtained a license therefore or has been registered as an ~~apprentice barber apprentice~~ as provided by the Act and these rules and regulations herein.

- 2.2 No person shall engage in hairdressing/~~cosmetic therapy~~ instruction in any school as defined in section ~~1-7~~ 1-17 unless the person shall have first obtained a hairdressing/~~cosmetician~~ instructor license as provided by the Act and these rules and regulations herein.
- 2.3 Students enrolled in programs of hairdressing /~~cosmetic therapy~~ or barbering may enter into a work-study arrangement after they have completed at least one thousand (1,000) hours of classroom instruction.
- 2.3.1 Students participating in a work study arrangement shall be under the direct supervision of a licensed hairdresser/~~cosmetician~~, or barber.
- 2.3.2 The level of hairdressing /~~cosmetic therapy~~ or barbering procedures performed by the student shall be as determined by the registered manager or owner/manager, of the hair design shop, who shall be responsible for all procedures performed by the student.
- 2.3.3 Students shall wear a name tag that clearly identifies the ~~student person~~ as a student.
- 2.3.4 No classroom hours of instruction credit shall be granted for a student's participation in a work-study arrangement.
- 2.3.5 No student shall work at any time while the school ~~they are~~ he/she is enrolled in is in session.
- 2.3.6 The work study arrangement shall not continue beyond the student's graduation from school or completion of course work.

Section 3.0 ***Exemptions***

- 3.1 The provisions and penalties of these rules and regulations shall not apply to licensed physicians, ~~osteopaths~~, chiropractors or registered nurses when acting within the scope of their professions or occupations as defined by law.

Section 4.0 ***General Qualifications for All Applicants***

- ~~4.1~~ All applicants for licensure under these rules and regulations must meet the following requirements:
- ~~4.1-~~ a) be at least eighteen (18) years of age; and
- ~~4.2-~~ b) be a citizen of the United States of America or has legal entry into the country (lawfully eligible to work); and
- ~~4.3-~~ c) be of good moral character; and
- ~~4.4-~~ d) be a high school graduate or hold the equivalent thereof; and

~~4.4.1 notwithstanding the provision of section 3.4 above, an applicant seeking licensure as a barber need not be a high school graduate. On and after 1 July 1997, an applicant seeking licensure as a barber must be a high school graduate or hold the equivalent thereof.~~

- ~~4.5 e) have satisfactorily completed the a course of instruction in an approved school of barbering, hairdressing/and cosmetic therapy, and/or manicuring, or esthetics as outlined in section 4.0 5.0 ; or and~~
- ~~4.6 have satisfactorily completed the course of instruction in an approved school of barbering as outlined in section 4.5; or~~
- ~~4.6.1 have engaged in barbering as a registered apprentice for two (2) years; or~~
- ~~4.6.2 have completed a combination of barber school instruction and apprentice training as required in section 4.5; and~~
- ~~4.7 4.2 have satisfactorily passed a written and practical examination conducted approved by the Division Department to determine the fitness of the applicant to receive a license; and~~
- ~~4.8 4.3 have complied with section 5.0 and such other qualifications as the division may prescribe by regulation. other requirements stated herein.~~

Section 5.0 *Classes of Licenses*

5.1 *Hairdresser/Cosmetician*

The ~~Division~~ Department shall issue a hairdresser/and cosmetician license to an individual who meets the requirements of section ~~3.0 4.0~~, completes the application required in section ~~5.0 6.0~~, and who meets the following requirements:

- 5.1.1 has completed a course of instruction in hairdressing/and cosmetology cosmetic therapy consisting of not less than fifteen hundred (1,500) hours of continuous study and practice in an approved school.

~~5.2~~ *Hairdresser/Cosmetologist Instructor*

The ~~Division~~ shall issue a hairdresser and cosmetician, instructor license to an individual who meets the requirements of section ~~3.0~~, completes the application required in section ~~5.0~~, and who meets the following requirements:

- ~~5.2.1 has held a licensed hairdresser's and cosmetician's license issued under the laws of this state, or another state, for at least three (3) years next preceding the date of application for an instructor's license; and~~
- ~~5.2.2 has satisfactorily completed three hundred (300) hours of instruction in hairdressing and cosmetology teacher training approved by the Division as prescribed by regulation;~~

~~5.3~~ 5.2 *Manicurist*

The ~~Division~~ Department shall issue a manicurist license to an individual who meets the requirements of section ~~3.0~~, 4.0 completes the application required in section ~~5.0 6.0~~, and who meets the following requirements:

- ~~5.3.1~~ 5.2.1 has completed a course of instruction consisting of not less than three-hundred (300) hours of professional training in manicuring, in an approved school.

~~5.4~~ 5.3 ***Esthetician***

The ~~Division~~ Department shall issue an esthetician license to an individual who meets the requirements of section ~~3-0, 4.0~~ completes the application required in section ~~5-0-6.0~~ , and ~~who~~ meets the following requirements:

- ~~5.4.1~~ 5.3.1 has completed a course of instruction in esthetics consisting of not less than six hundred hours (600) of continuous study and practice over a period of not less than four (4) months in an approved school of hairdressing/ ~~and cosmetology~~ cosmetic therapy or who holds a diploma or certificate from a skin care school that is recognized as a skin care school by the state or nation in which it is located.

~~5.5~~ 5.4 ***Barber***

The ~~Division~~ Department shall issue a barber license to an individual who meets the requirements of section ~~3-0, 4.0~~ completes the application required in section ~~5-0-6.0~~, and ~~who~~ meets the following requirements:

- ~~5.5.1~~ 5.4.1 has completed a course of instruction in barbering consisting of not less than one thousand five hundred (1,500) hours of continuous study and practice in an approved school; or
- ~~5.5.2~~ 5.4.2 has possessed for at least two (2) years prior to the filing of the license application a certificate of registration in full force and effect from the ~~Department of Health of the state of Rhode Island~~ specifying that person as a registered apprentice barber and the application of that applicant is accompanied ~~with~~ by an affidavit or affidavits of his or her employer or former employers or other reasonably satisfactory evidence showing that the applicant has been actually engaged in barbering as an apprentice barber in the state of ~~Rhode Island~~ during those two (2) years; or
- ~~5.5.3~~ 5.4.3 has successfully completed one thousand (1,000) hours of barber instruction in an approved school and has completed a minimum of eight hundred and forty (840) hours of barber on-the-job training, as a registered barber apprentice, obtained within a minimum of six (6) months as a registered apprentice.

~~5.6~~ 5.5 ***Apprentice Barber Apprentice***

The ~~Division~~ Department shall issue an ~~apprentice barber apprentice~~ registration to an individual who meets the following requirements:

- ~~5.6.1~~ 5.5.1 completes the application;

- 5.6.2 5.5.2 submits acceptable evidence that any training the apprentice receives shall be conducted by and under the direct supervision of a licensed barber in a licensed hair design shop.
- 5.6.3 5.5.3 Apprentice barbers shall be under the direct supervision of a licensed barber who must be on the premises with the apprentice barber.
- 5.6.4 5.5.4 The number of apprentice barbers which a licensed barber may supervise in a licensed hair design shop serving the general public shall be no more than one (1) apprentice barber to one (1) licensed barber.
- 5.6.5 5.5.5 The number of inmates, registered as apprentice barbers, which a licensed barber may supervise in a licensed hair design shop serving the inmate population of the Department of Correction's inmate facilities or a detention center shall be no more than fifteen fifty (50).

5.2- 5.6 ***Hairdresser/Cosmetologist Cosmetician, Barber, Manicurist, or Esthetician Instructor***

The ~~Division~~ Department shall issue a hairdresser/ ~~and~~ cosmetician, ~~barber, manicurist or esthetician~~ instructor license to an individual who meets the requirements of section 3:0 4.0, completes the application required in section 5:0 6.0, and who meets the following requirements:

- 5.2.1 5.6.1 has held a licensed hairdresser's/ ~~and~~ cosmetician's license, ~~a barber's license, a manicurist's license or an esthetician's license,~~ issued under the laws of this state, or another state, for at least three (3) years ~~next~~ preceding the date of application for an instructor's license; and
- 5.2.2 5.6.2 has satisfactorily completed three-hundred (300) hours of instruction in hairdressing/~~and cosmetology~~ ~~cosmetic therapy, barber, manicurist, or esthetician~~ teacher training approved by the ~~Division Department~~ as prescribed by regulation;
- 5.6.3 passed an examination approved by the Department.

Section 6.0 ***Application for License and Fees***

- 6.1 Application for licensure shall be made on forms provided by the ~~Division Department~~ and shall be completed, notarized and submitted to the ~~Division Department~~ by applicants seeking licensure. The application shall be accompanied by the following documents and fee:
- 6.1 a) ***For U.S. BORN applicants:*** a certified or notarized copy of birth certificate.
For FOREIGN BORN applicants: Proof of lawful entry into the country and lawful eligibility for employment in the United States.
- 6.2 b) ***Good moral character:*** Signed statement on application.

- 6.3- c) **Photographs:** a recent identification photograph of the applicant, head and shoulder front view approximately 2 x 3 inches in size;
- 6.5 d) **Professional education transcripts:** Supporting certified transcript of educational credentials as required in the appropriate section of 4.0 herein, signed by an official, verifying the dates of attendance and completion of the appropriate program. Such documentation must be sent directly from the school to the ~~Division~~ Department and must consist of original statements and/or photocopies bearing the signature of the school official and the imprint of the school seal.
- 6.6- e) **High school graduation:** Verification of high school graduation or equivalent may be an original signed statement from an official of the high school or equivalent program or a notarized photocopy of the original document.
- 6.6-1 i) Applicants who obtained their high school education in a foreign country must have their high school credentials evaluated by a recognized educational documentation evaluation center for equivalency.
- 6.7 ~~**Examinations:** For applicants applying by endorsement the results of any required examination under section 4.0 must be submitted directly to the Division by the state board of hairdressing in which the examination was administered.~~
- 6.8- f) **Fees:** The application fee of ~~twenty-five dollars (\$25.00)~~ thirty-one dollars and twenty-five cents (\$31.25) made payable to the General Treasurer, state of Rhode Island (non-returnable nor non-refundable);

Section 7.0 ***Licensing by Examination***

Applicants shall be required to satisfactorily pass an ~~written and practical~~ examination(s) for the specific class of license the applicant is seeking (barber, hairdresser/cosmetician, manicurist, esthetician or hairdressing/ cosmetician, manicurist, esthetician instructor), as determined by the ~~Division~~ Department to test the qualifications of the applicant to practice in a specific classification(s) in accordance with the statutory and regulatory requirements herein.

- 7.1 For **written examination(s)**, the ~~Division~~ Department may administer a nationally recognized examination, such as the National Interstate Council (NIC) of State Boards of Hairdressing Examination or such other examination from a recognized examination service or agency as may be determined by the ~~Division~~ Department.
- 7.1.1 The minimal passing score of the **written examination(s)** administered by the ~~Division~~ Department for hairdresser/cosmetology cosmetician, hairdressing, manicurist, esthetician, instructor, esthetician, manicuring and barbering barbers, and instructors shall be seventy percent (70%).
- 7.2 **Practical** examinations shall be given in a manner prescribed by the ~~Division~~ Department and

the minimal passing score shall be seventy percent (70%).

~~7.2.1~~ 7.3 Examinations shall be given at least twice a year, and at such time and place as designated by the ~~Division~~ Department.

~~7.2.2~~ The minimal passing score for the practical examination administered by the Division or hairdresser/cosmetology, hairdressing instructor, esthetician and manicuring shall be seventy percent (70%).

~~7.2.3~~ The minimal passing score for the practical examination administered by the Division for barbering shall be seventy percent (75%).

~~7.3~~ ***Re-Examination***

~~7.4~~ In case of failure of any applicant to satisfactorily pass an examination the applicant shall be entitled to re-examination. The fee for each re-examination shall be ~~twenty-five dollars (\$25.00)~~ thirty-one dollars and twenty-five cents (\$31.25) (non-refundable and non-returnable) made payable by check or money order to the General Treasurer, state of Rhode Island.

Section 8.0 ***Requirements for Applicants Licensed in Another State***

8.1 Any person licensed to practice barbering, hairdressing/ ~~and~~ cosmetic therapy, manicuring or esthetics in another state where the requirements are the equivalent of those of this state, the applicant shall be entitled to a license for barbering, hairdresser/cosmetician, manicurist or esthetician, upon the acceptance of his or her credentials by the ~~Division~~ Department.

~~6.4~~ ~~8.2~~ ***Verification (Applicants licensed in another state):*** The board of barbering and/or hairdressing/~~cosmetic therapy~~ in each state in which the applicant has held or holds licensure shall submit directly to the ~~Division~~ Department, a statement attesting to the licensure status of the applicant during the time period the applicant held licensure in said state.

~~8.2~~ ~~8.3~~ The applicant must have satisfactorily passed a written and practical examination administered by the ~~Division~~ Department, or another state board, of the theory and practice of barbering, hairdressing/~~cosmetician~~ cosmetic therapy, manicuring or esthetics, depending on the licensure classification which the applicant is seeking.

~~8.2.1~~ ~~8.3.1~~ If the requirements of another state are not equivalent to the requirements of this state, ~~then: 8.2.1.1 The Division Department may grant the barber/~~ hairdresser/~~cosmetician~~ applicant one hundred (100) hours of instructional credit for each three (3) month period that said applicant was licensed and actively practicing, up to a limit of five hundred (500) hours.

~~8.3.2~~ If the requirements of another state are not equivalent to the requirements of this state, the Department may grant the esthetician applicant forty (40) hours of instructional credit for each three (3) month period that said applicant was licensed and actively practicing, up to a limit of two hundred (200) hours.

~~8.3.3~~ If the requirements of another state are not equivalent to the requirements of this state, the Department may grant the manicurist applicant twenty (20) hours of instructional credit for each three (3) month period that said applicant was licensed and actively practicing, up to a limit of one hundred (100) hours.

~~8.3~~ 8.4 Persons who have been duly licensed by examination under the laws of other states of the United States or the District of Columbia shall not be prevented from practicing the profession for which they have been trained in either barbering, hairdressing/~~and~~ cosmetic therapy,~~and/or~~ manicuring or esthetics in this state for a period of three (3) months, provided:

~~8.3.1~~ 8.4.1 The applicant files an application to become licensed.

~~8.3.2~~ 8.4.2 The privilege to work for three (3) months as provided for in section ~~7.3~~ 8.4 shall not be extended or renewed beyond the three (3) months from the ~~commencement of employment.~~ date of issuance of the temporary permit.

Section 9.0 *Requirements for Applicants from Another Country*

9.1 Any person trained to practice barbering, hairdressing/~~and~~ cosmetic therapy, manicuring or esthetics in another country where the educational requirements are essentially equivalent of those of this state may be entitled to apply to sit for the licensing examination for barbering, hairdresser/~~cosmetician~~, manicurist or esthetician, upon the acceptance of his or her credentials by the ~~Division~~ Department.

9.1.1 If the education and training requirements of another country are not equivalent to the requirements of this state then:~~9.1.1.1~~ The ~~Division~~ Department may grant the applicant up to one thousand (1,000) hours of instructional credit for a combination of foreign training and experience of for a minimum of two and one half years (thirty months) of actively practicing their profession in a foreign country.

9.2 The applicant must satisfactorily meet all of the requirements of section ~~3.0~~ 4.0.

9.3 The applicant shall not be prevented from practicing the profession for which they have been trained either in barbering, hairdressing/~~and~~ cosmetic therapy and/or manicuring or esthetics in this state for a period of three (3) months, provided:

9.3.1 The applicant files an application to become licensed.

9.3.2 The privilege to work for three (3) months as provided for in section ~~8.3~~ 9.3 shall not be extended or renewed beyond the three (3) months from the ~~commencement of employment.~~ date of issuance of the temporary permit.

Section 10.0 *Issuance and Renewal of License and Fee*

- 10.1 The ~~Administrator of the Division Department~~ shall issue to applicants who have satisfactorily met the licensure requirements herein, a license to practice barbering, hairdressing/~~cosmetology~~ ~~cosmetic therapy~~, or manicuring, or esthetics or to be an instructor in this state. Said license unless sooner suspended or revoked, shall expire on the thirtieth (30th) day of September of every other year following the date of issuance of original license, which will be determined on an odd-even year basis.
- 10.2 On or before the first (1st) day of September of every year, the ~~Administrator of the Division Department~~ shall mail an application for renewal of license to every person scheduled to be licensed that year on an odd/even basis with respect to the license number. Every person so licensed who wishes to renew his or her license shall file with the ~~Administrator of the Division Department~~ such renewal application duly executed together with the renewal fee of ~~thirty dollars (\$30.00)~~ thirty-seven dollars and fifty cents (\$37.50) made payable by money order or check to the General Treasurer, state of Rhode Island, and submitted to the ~~Division Department~~ before the fifteenth (15th) day of September in each renewal year.
- 10.3 Upon receipt of such renewal application and fee, the ~~Administrator of the Division Department~~ shall grant a renewal license effective October 1st and expiring two (2) years later on September 30th.
- 10.4 Any person who has failed to renew his or her license on or before the 30th day of September following the date of issuance may be reinstated by the ~~Division Department~~ upon payment of the current renewal fee of ~~thirty dollars (\$30.00)~~ thirty-seven dollars and fifty cents (\$37.50) and an additional fee of ~~fifteen dollars (\$15.00)~~ eighteen dollars and seventy-five cents (\$18.75) for each year said license has lapsed to a maximum of one hundred fifty dollars (\$150).
- 10.5 Each licensee shall have his or her license on their person while performing the duties for which they are licensed and shall be readily available upon the request of an agent of the ~~Division Department~~.

Section 11.0 *Demonstrator's Permit*

- 11.1 Any person recognized by the ~~Division Department~~ as an authority or expert in the theory or practice of barbering, hairdressing/~~and cosmetic therapy~~, ~~and/or~~ manicuring or esthetics and is the holder of a current esthetician's, manicurist's, or a barber's, hairdresser's/~~and cosmetician's~~ license in this state or another state or the District of Columbia may be issued by the ~~Division Department~~ a demonstrator's permit for not more than six (6) days duration for educational and instructive demonstration.
- 11.1.1 For the purposes of these rules and regulations, an authority or expert in the theory or practice of barbering, hairdressing/~~and cosmetic therapy~~, ~~and/or~~ manicuring or esthetics shall be any person sponsored by a recognized manufacturer or distributor of hair and/or skin products, or sponsored by a state hairdressing or barber association.
- 11.2 Furthermore, a demonstrator shall be a person qualified to demonstrate in the area of

specialty(ies) such as barbering, hairdressing/~~cosmetology~~~~cosmetic therapy~~, manicuring or esthetics, to licensed hairdressers/~~cosmetologists~~~~cosmetician~~, manicurists, or estheticians, and/or to students in approved schools which shall exclude public participation.

- 11.3 A demonstrator's permit shall not be used in the sense of a license to practice barbering, manicuring, esthetics or hairdressing/~~and~~ cosmetic therapy.
- 11.4 Applicants seeking a demonstrator's permit must apply to the ~~Division~~ Department, complete forms provided by the ~~Division~~ Department and return said forms to the ~~Division~~ Department accompanied by the fee of ~~twenty-five~~ fifty dollars (~~\$25.00~~) (\$50.00) made payable by check or money order to the General Treasurer, state of Rhode Island.
- 11.5 ~~Upon review of the application and credentials and such other information as the Board may find necessary, the Board shall advise the Division regarding the issuance of a demonstrator's permit.~~

PART II *Licensure Requirements for Shops*

Section 12.0 *General Requirements*

- 12.1 No shop, place of business or establishment shall be opened or conducted within the state by any person, association, co-partnership, corporation, or otherwise for the practice of barbering, manicuring and/or hairdressing/ ~~and~~ cosmetic therapy or esthetics without being licensed in accordance with the statutory and regulatory provisions herein.
- 12.2 No license shall be granted to any shop, place of business or establishment for the practice of barbering, hairdressing/ ~~and~~ cosmetic therapy unless the proprietor or supervising manager in the practice of barbering, hairdressing/ ~~and~~ cosmetic therapy thereof is duly licensed and shall have been licensed as a hairdresser/ ~~and~~ cosmetician for a period of at least one (1) year immediately prior to the filing of the application for the licensure of the shop.
- 12.3 No license shall be granted to any shop, place of business or establishment for the practice of manicuring or esthetics unless the proprietor or a supervising manager thereof is duly licensed in this state and shall have been so licensed as a barber, hairdresser/ ~~and~~ cosmetician, manicurist or esthetician for a period of at least one (1) year immediately prior to the filing of the application for said license.
- 12.4 ~~No "new" shop shall open for business until it has been inspected and a license issued for its operation by the Division.~~
- 12.5 12.4 Persons working in a shop who are independent contractors, not considered to be employees of the shop owner for tax purposes, are considered to be an independent business requiring a separate hair design shop license.

Latex

- 12.5 Any shop, place of business or establishment licensed for the practice of barbering or hairdressing/cosmetic therapy that utilizes latex gloves shall do so in accordance with the provisions of the ***Rules and Regulations Pertaining to the Use of Latex Gloves by Health Care Workers, in Licensed Health Care Facilities, and by Other Persons, Firms, or Corporations Licensed or Registered by the Department*** promulgated by the Department of Health.

Section 13.0 *Exemptions*

- 13.1 Nothing in this section shall restrict a hairdresser/~~cosmetician~~ licensed pursuant to the Act and these rules and regulations, operating in a licensed nursing service agency, from providing services to an individual who is home bound at their home. For purposes of this section, "homebound" shall be defined as any person who is considered housebound for purpose of federal Medicare eligibility.

- 13.2 Nothing in this section shall restrict any barber, hairdresser/~~cosmetologist~~ ~~cosmetician~~, manicurist or esthetician from providing services to an individual who is homebound at their home as verified by a licensed health care professional.

Section 14.0 *Application for License and Fee*

- 14.1 Application for a license to conduct, maintain or operate a shop for the practice of barbering, hairdressing/ ~~and~~ cosmetic therapy, or manicuring, or esthetics shall be made of forms provided by the ~~Division~~ Department and shall contain such information as the licensing agency reasonably requires, and in accordance with the provisions herein.
- 14.2 Forms shall be completed, notarized and submitted to the ~~Division~~ Department with the following documentation:
- 14.2.1 evidence of compliance with the local zoning laws, in which the shop, place of business or establishment is located;
 - 14.2.2 application for registration of the supervising manager; ~~and~~
 - ~~14.2.3 a listing of the names and addresses of direct or indirect owners whether individual, partnership, or corporation; and~~
 - ~~14.2.4~~ 14.2.3 license fee of ~~seventy-five dollars (\$75.00)~~ ninety-three dollars and seventy-five cents (\$93.75) made payable by check or money order to the General Treasurer, state of Rhode Island.

Section 15.0 *Issuance and Renewal of License and Fee*

- ~~15.1~~ Upon receipt of an application for a hair design shop license, the applicant shall arrange with the ~~Division~~ for an inspection of the premises to determine if the premises are in compliance with these rules and regulation.
- ~~15.2~~ 15.1 Upon satisfactory results of the inspection, ~~the~~ The ~~Division~~ Department shall ~~may~~ issue a license or renewal thereof for a period of no more than one (1) year, if the applicant meets the requirements of the regulations herein. Said license, unless sooner suspended or revoked, shall expire on the first day of July following the date of issuance and may be renewed from year to year subject to inspection and approval by the ~~Division~~ Department.
- ~~15.3~~ 15.2 For each license renewal thereof, the licensure renewal fee of ~~seventy-five dollars (\$75.00)~~ ninety-three dollars and seventy-five cents (\$93.75) made payable by check or money order (non-refundable and non-returnable) to the General Treasurer, state of Rhode Island must accompany the application renewal form provided by the ~~Division~~ Department.
- ~~15.4~~ 15.3 A license shall be issued to a specific licensee for a specific address and shall not be

transferable to a new address. The license shall be issued only for the premises and the individual owner, operator or lessee or to the corporate entity responsible for the operation.

- ~~15.5~~ 15.4 A license issued hereunder shall be the property of the state and loaned to such licensee and it shall be kept posted in a conspicuous place on the licensed premises.

Section 16.0 ***Organization and Management (Manager)***

- 16.1 Each shop, establishment or business engaged in barbering, hairdressing/ ~~and cosmetology~~ cosmetic therapy, manicuring or esthetics shall have an individual to serve as manager, who could be the owner, provided said individual meets the qualifications of section ~~11.2~~ 12.2 herein. Said manager shall furthermore be required to be available at all times during the hours of the shop's operation.
- 16.2 In addition, the manager of each shop shall be registered with the ~~Division~~ Department. Written documentation of name, address and qualifications of the manager must be submitted by the owner to the ~~Division~~ Department.
- 16.3 No manager shall manage more than one shop at any given time.
- 16.4 The owner of a licensed shop and the manager shall notify the ~~Division~~ Department in writing within ten (10) days from the date of termination of employment of the manager of any licensed shop, establishment, or place of business. The license of said shop shall expire forty-five (45) days from the date the ~~Division~~ Department was notified by the owner, if no manager meeting the qualifications of section ~~11.2~~ 12.2 herein is registered with the ~~Division~~ Department.

Section 17.0 ***Environmental Maintenance and Sanitation***

Each shop, establishment or place of business shall be maintained to provide a safe, sanitary, clean and comfortable environment. All furnishings shall be kept in good repair. The premises shall be kept free of hazards at all times.

- 17.1 The following sanitary practices shall be exercised at all times:
- 17.1.1 hand washing between patrons with soap and warm water;
 - 17.1.2 a clean towel shall be used for each patron;
 - 17.1.3 all linens and towels shall be deposited in a closed receptacle after use;
 - 17.1.4 used linens and towels shall be laundered either by commercial laundering or by a noncommercial laundering process which includes immersion in water at a temperature of at least 140° F for not less than fifteen (15) minutes during the washing or rinsing treatment;

- 17.1.5 whenever a haircloth, protective drape or cape is used on a patron, a clean towel or other clean protection shall be placed around the patron's neck in such a manner as to prevent the patron's skin from contacting the haircloth, protective drape or cape;
- 17.1.6 the headrest of chairs shall be covered with a clean towel or paper sheet for each patron.
- 17.1.7 All combs, brushes, non-electrical instruments with a sharp point or edge (scissors, tweezers cuticle nippers, manicure/pedicure scissors etc.) and other such articles, after use on a patron, must be:
 - 17.1.7.1 thoroughly cleaned with a detergent and hot water and then rinsed;
 - 17.1.7.2 treated with an effective disinfectant registered by the Environmental Protection Agency (EPA) with demonstrated bactericidal, fungicidal and virucidal activity and used according to manufacturer's instructions.
 - 17.1.7.3 stored until their next use in a manner which will prevent recontamination.
- 17.1.8 All electrical instruments (clippers, vibrators, etc.), after use on a patron, must be:
 - 17.1.8.1 thoroughly cleaned to remove foreign matter;
 - 17.1.8.2 treated with an effective disinfectant registered by the Environmental Protection Agency (EPA) with demonstrated bactericidal, fungicidal and virucidal activity and used according to manufacturer's instructions.
 - 17.1.8.3 stored until their next use in a manner which will prevent recontamination.
- 17.1.9 When household bleach is used for disinfecting environmental surfaces it shall be used in a 1:100 dilution (or 1/4 cup bleach to ~~a gallon~~ two and one-half {2 1/2} cups of tap water).
- ~~17.1.10 Personal Attire - barbers, hairdressers and cosmeticians, manicurists and estheticians shall be properly attired in a clean and easily washable uniform and/or outer garment.~~
- ~~17.1.11~~ 17.1.10 The use of a lancet or any other type of device to break the skin is prohibited.
- ~~17.1.12~~ 17.1.11 The use of a straight edge multi-use razor is prohibited. Only single use (disposal) razors are acceptable and shall be properly discarded after each use.
- ~~17.1.13~~ 17.1.12 The use of a razor blade callus shaver is prohibited.
- ~~17.1.14~~ 17.1.13 The reuse of any depilatories and any paraffin wax which has been adhered to

any part of a client's body is prohibited.

- ~~17.1.15~~ 17.1.14 No persons shall bring any animal, fowl, reptile, etc., into or permit any animal, fowl, reptile, etc., to be brought into, or permit any animal, fowl, reptile, etc., to remain in a shop. ~~Trained dogs~~ Service animals accompanying sightless or hearing impaired persons are exempted from this section. Aquariums containing fish are allowed.
- ~~17.1.16~~ 17.1.15 The multi use of cosmetics is prohibited. This includes the use of:
 - ~~17.1.16.1~~ 17.1.15.1 applicators, septic pencils which are not disposable;
 - ~~17.1.16.2~~ 17.1.15.2 multi-use of lipsticks, powder puffs and brushes;
 - ~~17.1.16.3~~ 17.1.15.3 curlers and such supplies in which hair strands cannot be easily removed or cleaned or sanitized; and
 - ~~17.1.16.4~~ 17.1.15.4 any such other equipment and supplies which the ~~Division~~ Department may determine inappropriate because of sanitary and safety reasons.
- ~~17.1.17~~ 17.1.16 When only a portion of a cream, liquid, powder or other cosmetic preparation is to be removed from the container, it shall be removed in such a way as not to contaminate the remaining portion.

Section 18.0 ***Structural, Air and Environmental Requirements, Equipment and Supplies***

- 18.1 A shop, place of business or establishment licensed to practice hairdressing/ ~~and~~ cosmetic therapy, manicuring or esthetics must meet the following structural requirements:
 - 18.1.1 the Fire Safety requirements of the State Fire Code;
 - 18.1.2 the State Building Code Commission requirements;
 - 18.1.3 the local zoning laws; and
 - 18.1.4 Federal Occupational Safety and Health Administration (OSHA) standards for air contaminants as published in the Federal Register *CFR* 1910.1000 "Air Contaminants."
- 18.2 Furthermore, the following provisions must be maintained:
 - 18.2.1 every salon must have an adequate supply of potable hot and cold water;
 - 18.2.2 the floors must have washable floor coverings;

- 18.2.3 storage space must be provided to keep clean supplies and linens separate from soiled linens and supplies.
 - 18.2.4 Each shop shall provide, on the premises or in the same building, adequate (in compliance with the State Plumbing Code) toilet and lavatory facilities. Toilet facilities and hand washing sinks shall be kept clean and sanitary without offensive odors and in working condition at all times. Each hand washing sink shall have a soap dispenser and disposable towels or an air dryer for hands.
- 18.3 An adequate amount of appropriate equipment, instruments and supplies consonant with the type of services provided, shall be maintained on the premises. In addition:
- 18.3.1 covered receptacles must be provided for debris;
 - 18.3.2 containers and/or cabinets for clean supplies and soiled towels and/or articles;
 - 18.3.3 clean and soiled supplies must be kept separately (e.g., towels, combs, brushes, ~~etc.~~);
 - 18.3.4 All mechanical and electrical equipment shall be maintained in a safe and operating condition.

PART III *Inspection, Advertising and Permanent Makeup*

Section 19.0 *Inspections*

- 19.1 Any person duly authorized by the ~~Division~~ Department may enter any shop, place of business or establishment, ~~or school of barbering, manicuring or hairdressing/cosmetic therapy~~ licensed under the provisions herein during the hours of operation or instruction, for the purpose of inspecting the sanitary conditions thereof and ascertaining compliance with the requirements of the Act and the regulations herein.
- 19.2 Failure or refusal of the person in charge of the shop, place of business or establishment to permit such inspection at all reasonable times shall be deemed sufficient cause for the revocation of any license issued to said shop, place of business or establishment.

Section 20.0 *Advertising*

- 20.1 No person or establishment licensed under the statutory and regulatory provisions herein shall advertise by written or spoken words of a character tending to deceive or mislead the public.

Section 21.0 *Permanent Makeup*

- 21.1 The implanting of pigment into the skin or "permanent makeup" is prohibited by any person licensed under the Act and these rules and regulations unless such person is also licensed as a physician under the provisions of Chapter 5-37 of the Rhode Island General Laws, as amended, or a tattoo artist in accordance with the *Rules and Regulations for the Registration of Tattoo Artists and Tattoo Parlors (R23-1-TAT)* promulgated by the Rhode Island Department of Health.

Section 22.0 *Electrolysis*

- 22.1 In accordance with section 5-10-20 of the Act, no license issued under the provisions of the Act and the rules and regulations herein shall be construed to authorize, as a part of the practice of hairdressing/cosmetic therapy, the practice of "electrolysis", which, for the purpose of the Act, is defined as the insertion of an electrically heated instrument at the root of a hair to prevent the growth thereof. Persons practicing electrolysis shall be licensed to do so in accordance with the *Rules and Regulations Related to the Practice of Electrolysis (R5-32-ELEC)* promulgated by the Department of Health.

PART IV ***Revocation or Suspension, Violations, Sanctions, Practices and Procedures and Severability***

Section ~~22.0~~ ***23.0 Revocation or Suspension of License, Permit or Certificate***

~~22.1~~ ***23.1*** Any license, permit, certificate of approval or registration issued by the ~~Division~~ Department may be revoked or suspended by said ~~Division~~ Department for violation of any provisions of the Act and the regulations herein. Furthermore failure to comply with the regulations herein, for failure to comply with the prevailing standards of practice, or for such other cause as said ~~Division~~ Department deems sufficient, may be cause for the license, permit or certification of approval or registration to be denied, suspended or revoked, provided however that no such license permit or certificate of approval shall be so suspended or revoked without having been given ten (10) days notice in writing specifying the complaint made and the charges preferred against the accused and a reasonable opportunity given said accused to present evidence and testimony and to be represented by counsel at a hearing or hearings, to be held by said ~~Division~~ Department upon said complaint and charges preferred against said accused.

Section ~~23.0~~ ***24.0 Rules Governing Practices and Procedures***

~~23.1~~ ***24.1*** All hearings and reviews required under the provisions of the Act shall be held in accordance with requirements of the *Rules and Regulations of the Rhode Island Department of Health Regarding Governing the Practices and Procedures Before the Rhode Island Department of Health and Access to Public Records of the Department of Health (R42-35-PP)*.

Section ~~24.0~~ ***25.0 Severability***

~~24.1~~ ***25.1*** If any provision of these rules and regulations or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of the rules and regulations which can be given effect, and to this end the provisions of the rules and regulations are declared to be severable.

Friday, October 20, 2006
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